

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI**

DANIEL HERRON,

Plaintiff,

v.

TEARS OF EDEN, KATHERINE SPEARING, LLC, and KATHERINE SPEARING (IN HER INDIVIDUAL CAPACITY),

Defendants.

Case No. 4:24-CV-00425

MOTION FOR EXTENSION OF TIME PURSUANT TO FRCP 16

COMES NOW, the Defendants, Tears of Eden, Katherine Spearing, LLC and Katherine Spearing, Individually, respectfully move to extend the deadline to complete the Rule 35 mental examination, through March 31, 2025. In support of this motion, Defendants state:

1. On September 17, 2024, a Case Management Order was entered, which provided the deadline to complete the Rule 35 mental examination by December 31, 2024.
2. Parties have been in communication to attempt to coordinate and schedule the Rule 35 mental examination, however both Plaintiff's and Dr. Rose's availability does not allow for the meeting of that deadline.
3. Undersigned has contacted Plaintiff's Counsel in order to get written agreement on this extension prior to filing, however, no response has been received to date.
4. Defendants requested dates for Rule 35 examination and Plaintiff provided dates in January.
5. Dr. Rose also advised that he is currently booking out in January and February.

6. An extension of time is necessary to complete the Rule 35 mental examination due to the availability of both Plaintiff and Dr. Rose.

7. This request is not made for the purpose of undue delay and will not result in any hardship.

WHEREFORE, Defendants, Tears of Eden, Katherine Spearing, LLC, and Katherine Spearing, Individually, respectfully request that this Court enter an order extending the deadline to complete the Rule 35 mental examination to March 31, 2025.

Respectfully submitted,

LEWIS BRISBOIS BISGAARD & SMITH LLP

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on December 31, 2024, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system which will notify all parties of record.

/s/ Matthew J. Morris
LEWIS BRISBOIS BISGAARD & SMITH LLP